

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DAVID BUCIO-MARTINEZ,
Movant,

v.

UNITED STATES OF AMERICA,
Respondent.

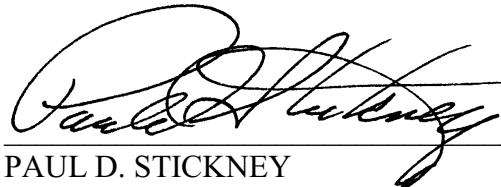
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3:17-cv-2882-D
3:16-cr-0468-D (01)

ORDER

During the pendency of Movant's direct appeal, he filed a 28 U.S.C. § 2255 motion seeking post-conviction relief. *See* Dkt. No. 2. Because Movant's direct appeal was still pending, it was recommended that the Section 2255 motion be dismissed without prejudice. *See* Dkt. No. 3. Before the Court adopted that recommendation, however, Movant's direct appeal was dismissed as frivolous. *See United States v. Bucio-Martinez*, No. 16-11749 (5th Cir. Oct. 24, 2017). The Court therefore VACATES the findings, conclusions and recommendation entered on October 23, 2017.

Signed this 28th day of November, 2017.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE